

# Texas Commission on Environmental Quality



## Notice of Application and Preliminary Decision for Municipal Solid Waste Permit

Proposed Permit No. 2374

***This NOTICE OF APPLICATION AND PRELIMINARY DECISION is being provided to inform the public that the comment period for the application has been extended following the executive director's technical review of an amended application.***

**APPLICATION AND PRELIMINARY DECISION.** Rancho Viejo Waste Management, LLC, 1116 Calle del Norte, Laredo, Webb County, Texas 78041, a waste management company, has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit to authorize the Pescadito Environmental Resource Center, a new MSW Type I landfill facility. The facility is located at 2864 Jordan Road, approximately 20 miles east of Laredo and 5 miles southeast of U.S. Highway 59 at Ranchitos Las Lomas in Webb County, Texas 78043. The TCEQ received the land use compatibility portion (Parts I and II) of the application on March 28, 2011. Parts III and IV of the permit application were received by the TCEQ on March 9, 2015. The TCEQ consolidated the review and processing of Parts I through IV of the application, and issued a Notice of Application and Preliminary Decision on March 22, 2016. The application was subsequently amended on August 18, 2017. The TCEQ has reviewed the amended application and issued this notice as required by rule. All public participations, comments, and requests for a contested case hearing on Parts I and II of the application have been preserved, and a decision whether to grant the contested case hearing requests will be made by the Commission following the comment and hearing request periods held in conjunction with this consolidated application. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice:

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=27.559&lng=-99.160&zoom=13&type=r>. For exact location, refer to application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Laredo Public Library, 1120 East Calton Road, Laredo, Webb County, Texas. The permit application may be viewed online at <http://www.pescaditoerc.com>.

**PUBLIC COMMENT/PUBLIC MEETING.** The TCEQ held a public meeting in Laredo on February 28, 2013, and a second public meeting in Laredo on August 11, 2016. You may submit additional public comments or request another public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments.

**Unless the application is directly referred for a contested case hearing, the response to comments and the Executive Director's decision on the application will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A person who may be affected by the proposed facility is entitled to request a contested case hearing from the commission. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.**

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted within 30 days from the date of newspaper publication of this notice either electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html) or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at 800-687-4040. Si desea información en Español, puede llamar al 800-687-4040.

Further information may also be obtained from Rancho Viejo Waste Management, LLC at the address stated above or by calling Mr. Carlos Y. Benavides, III, Manager, at (956) 523-1400.

Issuance Date January 26, 2018